

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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CORY CALDWELL,

Plaintiff,

9:09-CV-580

-v-

GETTMANN, Corrections Officer, and  
WINSTON, Corrections Officer,

Defendants.

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APPEARANCES:

OF COUNSEL:

CORY CALDWELL, Pro Se  
07-A-6900  
Upstate Correctional Facility  
P.O. Box 2001  
Malone, NY 12953

HON. ERIC T. SCHNEIDERMAN  
Attorney General for the State of New York  
Attorney for Defendant  
The Capitol  
Albany, NY 12224

ADRIENNE J. KERWIN, ESQ.  
Ass't Attorney General

DAVID N. HURD  
United States District Judge

**DECISION and ORDER**

Plaintiff brought this action pursuant to 42 U.S.C. § 1983. On March 2, 2012, the Honorable David E. Peebles, United States Magistrate Judge, advised, by Report-Recommendation, that defendants' motion for summary judgment be granted and plaintiff's complaint be dismissed. No objections to the Report-Recommendation were filed.

Based upon a careful review of the entire file and the recommendations of the Magistrate Judge, the Report-Recommendation is accepted in whole. See 28 U.S.C. 636(b)(1).

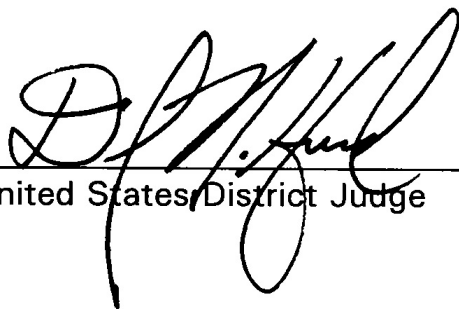
Therefore it is

ORDERED that

1. Defendants' motion for summary judgment is GRANTED; and
2. Plaintiff's complaint is DISMISSED.

The Clerk is directed to file a judgment dismissing the complaint and close the file.

IT IS SO ORDERED.



United States District Judge

Dated: April 3, 2012  
Utica, New York.